

FILE COPY

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE
TO PRACTICE DENTISTRY OF

JAMES MICHAEL KAHLER, D.D.S.,
RESPONDENT.

FINAL DECISION
AND ORDER

The parties to this action for the purposes of Wis. Stat. sec. 227.53
are:

James Michael Kahler, D.D.S.
5200 Blazing Star
Wausau, WI 54401

Wisconsin Dentistry Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agreed to the terms and conditions of the
attached Stipulation as the final disposition of this matter, subject to the
approval of the Board. The Board has reviewed this Stipulation and considers
it acceptable. Accordingly the Board in this matter adopts the attached
Stipulation and makes the following:

FINDINGS OF FACT

1. James Michael Kahler, D.D.S., respondent herein, is duly licensed
to practice dentistry in the State of Wisconsin pursuant to license #2850
which was issued October 1, 1981.
2. Respondent was evaluated on an outpatient basis at the McBride
Center For The Impaired Professional on September 21, 1987 and November 13,
1987.
3. Respondent was evaluated on an inpatient basis at the McBride
Center For The Impaired Professional from January 11, 1988 through January 20,
1988. He was diagnosed as having alcohol dependence syndrome and nitrous
oxide abuse in remission.
4. The McBride Center personnel recommended that Respondent complete
inpatient rehabilitation for his chemical dependency.
5. Respondent completed inpatient rehabilitation for his chemical
dependency on February 6, 1988.

6. On February 6, 1988, Respondent was discharged into the 2-year McBride Center Aftercare Monitoring Program.

7. That Respondent's discharge recommendations were as follows:

- a. Attendance at meetings of Alcoholics Anonymous within his community, on a regular basis.
- b. Random, witnessed urine drug screens, on a weekly basis, for 2 years.
- c. Attendance at support group, for the first several months following discharge from the hospital, at Midwestern Psychotherapy Associates, under the direction of Mary Ellen Nelson. Ms. Nelson will determine the duration and frequency of the attendance.
- d. Individual visits with Dr. David Benzer of the McBride Center For The Impaired Professional, as frequently as recommended by Dr. Benzer.

8. Respondent agrees to comply with all discharge recommendations as specified in paragraph 7.

9. Respondent agrees to request Dr. David Benzer to submit written quarterly progress reports from the McBride Center to the Wisconsin Dentistry Examining Board regarding his ongoing compliance with the recommendations.

CONCLUSIONS OF LAW

1. The Wisconsin Dentistry Examining Board has jurisdiction over this matter pursuant to Wis. Stats. sec. 447.07(3).

2. The Wisconsin Dentistry Examining Board has authority to enter into the stipulated resolution of this matter pursuant to Wis. Stats. sec. 227.44(5).

ORDER

NOW, THEREFORE, IT IS ORDERED that James Michael Kahler, D.D.S., shall regularly attend meetings of Alcoholics Anonymous within his community.

IT IS FURTHER ORDERED that James Michael Kahler, D.D.S., submit to random, witnessed urine drug screens, on a weekly basis, for 2 years.

IT IS FURTHER ORDERED that James Michael Kahler, D.D.S., weekly attend a support group at Midwestern Psychotherapy Associates, under the direction of Mary Ellen Nelson, for the first several months following discharge from the McBride Center Inpatient Program.

IT IS FURTHER ORDERED that James Michael Kahler, D.D.S., participate in individual visits with David G. Benzer, D.O., Medical Director, McBride Center For The Impaired Professional, as frequently as recommended by Dr. Benzer, for a period of 2 years.

IT IS FURTHER ORDERED that James Michael Kahler, D.D.S., arrange to have Dr. Benzer submit written quarterly progress reports to the Wisconsin Dentistry Examining Board regarding Dr. Kahler's ongoing compliance with the requirements.

IT IS FURTHER ORDERED that entry of this Final Decision and Order shall not be construed to indicate that Respondent has violated statutes or rules related to his license to practice dentistry, and it shall not constitute discipline against his license.

IT IS FURTHER ORDERED that investigative file 85 DENT 29 is hereby closed.

Dated this 6 day of July, 1988.

Katherine A. Kelly D.D.S.
A Member Of The Board Chair

REH:jrb
DOEATTY-69

STATE OF WISCONSIN
BEFORE THE DENTISTRY EXAMINING BOARD

IN THE MATTER OF THE LICENSE	:	
TO PRACTICE DENTISTRY OF	:	
	:	STIPULATION
JAMES MICHAEL KAHLER, D.D.S.,	:	
RESPONDENT.	:	

It is hereby stipulated and agreed by and between James Michael Kahler, D.D.S., respondent, and Ruth E. Heike, attorney for the Wisconsin Department of Regulation and Licensing, Division of Enforcement, as follows:

1. That James Michael Kahler, D.D.S., respondent herein, 5200 Blazing Star, Wausau, Wisconsin 54401, is duly licensed to practice dentistry in the State of Wisconsin. His license bears #2850 and was issued October 1, 1981.

2. That an investigation, 85 DENT 29, involving allegations of practicing or attempting to practice while the ability to perform services is impaired by drug or alcohol, is currently pending against Dr. Kahler with the Wisconsin Department of Regulation and Licensing, Division of Enforcement.

3. That Dr. Kahler is aware of and understands each of his rights; including the right to have a disciplinary complaint issued against him; the right to a hearing on the allegations against him, at which time the state has the burden of proving the allegations by clear, satisfactory and convincing evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance to subpoena; the right to file objections to any proposed decisions and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for a rehearing; the right to appeal a final decision to the Wisconsin system; and all other rights afforded him under the United States Constitution, the Wisconsin Constitution and the Wisconsin Statutes and Wisconsin Administrative Code.

4. That James Michael Kahler, D.D.S. freely, voluntarily and knowingly waives each and every one of the rights set forth in paragraph 3 above.

5. That, for purposes of this Stipulation, James Michael Kahler, D.D.S. agrees that the Wisconsin Dentistry Examining Board may make and enter the attached Final Decision and Order.

6. That in consideration of the agreements contained in this Stipulation, and upon the making and entering of the attached Final Decision and Order, the Wisconsin Department of Regulation and Licensing, Division of Enforcement, agrees that investigation 85 DENT 29 shall be administratively closed.

7. That the respondent, personally or by his attorney, and the attorney for the Wisconsin Department of Regulation and Licensing, Division of Enforcement, may appear before the Wisconsin Dentistry Examining Board to argue in favor of acceptance of this Stipulation and the issuance of the attached Final Decision and Order.

8. That James M. Kahler, D.D.S., and Ruth E. Heike, Attorney for the Department of Regulation and Licensing, Division of Enforcement, agree that this Stipulation and the attached Final Decision and Order do not constitute discipline against Dr. Kahler's license to practice dentistry.

Dated this 3rd day of June, 1988.

James M. Kahler D.D.S.
James Michael Kahler, D.D.S.
Licensee/Respondent

Dated this 6th day of June, 1988.

Ruth E. Heike
Ruth E. Heike, Attorney
Department of Regulation & Licensing
Division of Enforcement

REH:jrb
DOEATTY-68